

16-1067 MURPHY V. SMITH

DECISION BELOW: 844 F.3d 653

LOWER COURT CASE NUMBER: 15-3384

QUESTION PRESENTED:

When a prisoner obtains a monetary judgment in a suit under 42 U.S.C. § 1983 and the prisoner's lawyer is awarded attorney's fees, "a portion of the judgment (not to exceed 25 percent) shall be applied to satisfy the amount of attorney's fees awarded against the defendant." 42 U.S.C. § 1997e(d)(2). The defendant pays the remainder of the attorney's fees.

The question presented is whether the parenthetical phrase "not to exceed 25 percent" means *any amount up to 25 percent* (as four circuits hold), or whether it means *exactly 25 percent* (as the Seventh Circuit holds).

CERT. GRANTED 8/25/2017